

REMARKS

Reconsideration and removal of the rejections of the claims in the Action of July 29, 2008, are respectfully requested in view of the above amendments and the remarks that follow.

*Claims Rejections- 35 U.S.C. § 112*

Claims 18-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out distinctly claim the subject matter which applicant regards as the invention. The Office states that there is no antecedent basis in the rejected claims for the recitation "cyclic carbonate having an unsaturated bond".

The rejection as it applies to claims 18-20 is understood to relate to the fact that claims 18-20 depend on claim 12, but claim 12 does not recite a cyclic carbonate containing an unsaturated carbon bond. This rejection has been overcome by amending each of claims 18-20 to depend on claim 16.

The rejection as it applies to claim 21 has been overcome by amending claim 21 to delete the recitation "(excluding the cyclic carbonate having an unsaturated carbon bond)" and to recite that the content by weight of the cyclic carbonate having an unsaturated carbon bond is 0.1 - 10 %, based on the total weight of the other cyclic carbonate and the chain carbonate.

Additionally, claim 16 has been amended by changing "the other cyclic carbonate" to --another cyclic carbonate-- to ensure proper antecedent basis for the other cyclic carbonate in claim 21.

Claim 13 has been amended to change the recitation "said nonaqueous electrolyte contains" to --a solvent of said nonaqueous electrolyte is--.

*Claim Rejections - 35 U.S.C. § 103(a)*

Claims 1-3, 5, 8-10, 12-17 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2003-007295 ("JP '295") in view of applicant's admitted prior art ("AAPA"). Applicants note that the Office states that JP '295 corresponds to JP 02-071512. The meaning and significance of this statement is not understood. However, it does not appear relevant to the rejection.

Claims 1-3, 5, 8-10, 12-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 01-029913 ("JP '913") in view of AAPA.

Claims 4, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over either JP '295 or JP '913, each taken in view of both JP 10-040958 ("JP '958") and Eschbach et al., U.S. Patent No. 5,681,357 ("US '357").

The Office identifies JP '295 as disclosing a rechargeable lithium battery including each of the limitations of the rejected

claims except for the carbon dioxide dissolved in the electrolyte and the the specific roughness of the current collector. The Office identifies JP '913 as disclosing a rechargeable lithium battery including each of the limitations of the rejected claims except for the carbon dioxide dissolved in the electrolyte. AAPA is cited as disclosing that carbon dioxide is present when producing a nonaqueous battery.

The specification of the present application explains that the dissolved carbon dioxide in the electrolyte of the rechargeable lithium battery of the present invention does not include the amount of carbon dioxide that inevitably dissolves in a nonaqueous electrolyte. However, the original claims recite that the "nonaqueous electrolyte contains carbon dioxide dissolved therein" and may be interpreted as reading on carbon dioxide which dissolves in the electrolyte during a general fabrication process of the battery.

Therefore, to overcome the rejections the claims have been amended to require that the dissolved carbon dioxide is carbon dioxide that is added to the electrolyte. More particularly, claim 1 has been amended to recite that

"said nonaqueous electrolyte contains added carbon dioxide dissolved therein in addition to carbon dioxide formed during

fabrication of the battery."

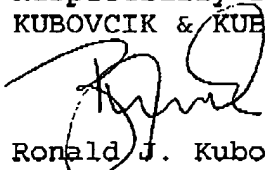
Claims 2, 3 and 4 have been amended by adding "added" before "carbon dioxide" in the limitation "the amount of carbon dioxide dissolved in said nonaqueous electrolyte."

The claims as amended are believed to overcome the 35 U.S.C. § 103(a) rejections of the claims. Removal of the 35 U.S.C. § 103(a) rejections is believed to be in order and is respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated July 29, 2008.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension and any additional required fees may be charged to Deposit Account No. 111833.

Respectfully submitted,  
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